

Application Serial No. 09/483,248
Amendment Dated February 6, 2004
Reply to Office Action dated November 7, 2003

Remarks

Applicants would, initially, like to thank the Examiner for granting and participating in an Interview on February 4, 2004 to discuss this application. The enclosed claim amendments comport with the discussion that took place during the Interview and place all the claims in condition for allowance. Accordingly, Applicants request that the Examiner enter these amendments and pass the case to issue.

Claims 29-38 are active and pending in the present application. Claims 35-37 have been allowed and claims 29-34 and 38 stand under final rejection. More specifically, claims 29-34 and 38 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite.

The Examiner asserts that the recitation in the last two lines of claim 29 of *verifying* the staining protocol is unclear and this ambiguity carries over to claim 30 that recites not initiating the staining protocol if the first identifier is not *verified* with the second identifier. In response, as discussed with the Examiner, claim 29 has been amended to recite that the staining protocol is *identified* in response to reading the first and second Identifiers. Also, claim 30 has been appropriately amended as well. The specification, as originally presented, provides support for these claim amendments as it describes how two identifiers are read and compared to ensure that the proper reagent pack has been placed next to the proper slide (see page 14, lines 22-24 and page 15, lines 22-25).

In view of these amendments, Applicants urge that the rejection to claims 29 and 30 (as well as dependent claims 31-34) has been overcome and reconsideration and withdrawal of the rejection are respectfully requested.

The Examiner asserts that the word "therefor" in line 2 of claim 38 makes this claim unclear and that the recitation of "the completion" lacks the proper antecedent basis. In accordance with our discussions during the Interview, the claim has been amended so that the staining protocol for the second specimen slide is more clearly referred to as the "second staining protocol". As a result, claim 35 is amended as

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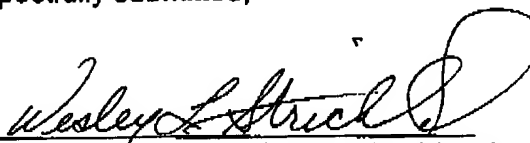
well to distinguish between the first staining protocol for the first specimen slide and the second staining protocol for the second specimen slide. Other portions of claim 38 were amended as necessary to consistently refer to the two staining protocols using these labels. In addition, "the completion" was changed to "completing" in order to address the issue regarding antecedent basis.

In view of these amendments, Applicants believe that claim 38 satisfies the requirements of the second paragraph of 35 U.S.C. §112 and, therefore, respectfully request reconsideration and withdrawal of the rejection of claim 38.

In view of the above remarks and amendments, Applicants urge that claims 29-38 are in condition for allowance and respectfully request entering of this amendment and passage of this case to issue. The Examiner is invited to contact the undersigned in order to resolve any outstanding issues and expedite the allowance of this application.

Applicants do not believe that any fees are due in connection with this submission. However, if such extension is due or any other fees are necessary, the Commissioner may consider this to be a request for such and charge any necessary fees to deposit account 23-3000.

Respectfully submitted,

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